

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3404-01
Bill No.: Perfected HB 841
Subject: Boats and Watercraft; Entertainment; Sports and Amusements; Parks and Recreation.
Type: Original
Date: March 4, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - State Water Patrol** states this proposal would not fiscally impact their agency.

Officials from the **Department of Conservation (MDC)** state this proposal would have some fiscal impact from participation by conservation agents in enforcement and prosecution, incidental to their other duties.

In response to a similar proposal from a previous session, MDC officials assumed that they could absorb these costs with existing resources; therefore, **Oversight** assumes that MDC would not be fiscally impacted by this proposal.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services** stated any costs arising from the proposal could be absorbed with existing resources.

In response to a previous version of this proposal, officials from the **Office of the State Public Defender** assumed that existing staff could provide representation for those few cases arising where indigent persons were charged with possessing glass containers on navigable waterways or having unsecured containers. However, passage of more than one bill increasing penalties on

existing crimes or creating new crimes would require

ASSUMPTION (continued)

the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the now more serious cases or in the new additional cases.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposal would restrict the presence or use of glassware in canoes and similar watercraft. There is an exemption for medically prescribed containers. The legislation also requires the use of specified containers for foodstuffs and beverages. Each violation may be prosecuted as a separate offense.

CTS states, depending on the degree of enforcement, there could be a significant impact on courts near these waterways, but CTS is unable to make a specific estimate at this time.

In response to a similar proposal from a previous session, CTS officials assumed the proposal would not fiscally impact their agency, therefore, **Oversight** assumes that CTS would not be fiscally impacted by this proposal.

In response to a previous version of this proposal, officials from the **Department of Natural Resources (DNR)** stated their Division of State Parks does not have authority on the state's navigable waterway. In the event that DNR needed to transport food, beverage or refuse material using navigable waterways by vessel it is assumed this would be accomplished in compliance with the proposed legislation. Therefore, DNR would not anticipate any fiscal impact as a result of this legislation.

In response to a previous version of this proposal, officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, DOC would incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it was assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION


This proposal prohibits food or beverage containers made of glass from being transported on the waters of the state in watercraft such as canoes, kayaks, or inner tubes which are susceptible to swamping or tipping. Persons carrying appropriately packaged beverages or food on the waters of the state in these watercraft are required to use a cooler, icebox, or other non-glass container which floats. Containers are to be sealed and carried affixed to the watercraft. All trash is to be lawfully disposed.

Violations of the provisions of this proposal are class A misdemeanors.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Pubic Safety - Missouri Water Patrol
Department of Natural Resources
Department of Conservation
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 4, 2004